

DOCKET NO.: PHRM0027-101/00159.US1  
SERIAL NO.: 09/738,022

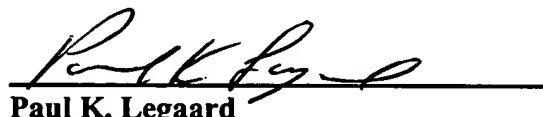
PATENT  
FILED: December 15, 2000

to methods of employing the compounds of group III. Applicants elect Group I, containing claims 1-6 with traverse.

A product and a process of using the product can be shown to be distinct inventions if either or both of the following can be shown: (A) the process of using as claimed can be practiced with another materially different product; or (B) the product as claimed can be used in a materially different process. M.P.E.P. 806.05(h). The Examiner asserts that because the compounds embraced by Group I have additional use as antimicrobial agents, the method claims are distinct. The fact that the compounds of Group I can be used as antimicrobial agents, however, is dependent on their ability to bind to particular sites in gram-positive and gram-negative bacteria. These same sites are useful in their activity as photoaffinity probes. Thus, the same underlying mechanism is responsible for both uses. Thus, Applicants submit that the method claims of Group IV and the compound claims of Group I should be combined into a single application.

Applicants submit that the present response is complete and complies with the requirements of 35 U.S.C. §121. Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

Respectfully submitted,



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Date: 31 January 2003

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In the Claims:**

Claims 7-17 and 21-26 have been cancelled as being drawn to non-elected inventions.